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IC979 U.S. PTO  
10/033327

11/02/01

- 1 -

# **ACCOMPANYING APPLICATION PARTS**

9. ☐ **Assignment Papers (cover sheet & documents(s))**
10. ☐ a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
- ☐ b. Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ a. Information Disclosure Statement (IDS)/PTO-1449
- ☒ b. Copies of IDS Citations
13. ☐ **Preliminary Amendment**
14. ☒ **Return Receipt Postcard (MPEP 503) (Should be specifically itemized)**
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ **Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.**
17. ☒ Other: Express Mail Certificate (w/postcard)

**18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:**

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)  
 Of Prior Application No.: \_\_\_\_\_ Examiner \_\_\_\_\_ Group Art Unit \_\_\_\_\_  
 (which is a ☐ continuation/ ☐ divisional/ ☐ CIP of prior application no. \_\_\_\_\_,  
 which is a ☐ continuation/ ☐ divisional/ ☐ CIP of prior application no. \_\_\_\_\_) (List entire chain of priority)

**Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.**  
**For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**

**18B. Statement under 37 CFR 3.73(b) for continuing application:**

The undersigned states that \_\_\_\_\_ (name of assignee) is  
 the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an  
 assignment recorded in the Patent and Trademark Office at Reel. No. \_\_\_\_\_ Frame No. \_\_\_\_\_  
 (or a copy of which is attached).

## **19. Correspondence Address**

☒ Customer Number or Bar Code Label 008791  
 or (Insert Customer No. or Attach Bar Code Label here)

☒ Correspondence Address Below

NAME Daniel E. Ovanezian

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS 12400 Wilshire Boulevard

Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1030

Country U.S.A. TELEPHONE (408) 720-8300 FAX (408) 720-8383

Name (PRINT/TYPE): Daniel E. Ovanezian Registration No.: 41,236

Signature:  Date: 11/2/01

**REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)**First Named Inventor Ulrich Martin GrafTitle Radiotherapy Apparatus Equipped with an Articulate Gantry for Positioning an Imaging UnitAttorney Docket No. 005513.P003

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

11/2/01  
Date

  
Signature

Daniel E. Ovanezian  
Typed or Printed Name

41,236  
Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231

Serial/Patent No.: Not yet assigned Filing/Issue Date: Herewith (11/2/01)  
Client: Varian Medical Systems, Inc.  
Title: Radiotherapy Apparatus Equipped with an Articulable Gantry for Positioning an Imaging Unit  
BSTZ File No.: 005513.P003 Atty/Secty Initials: DEO/MDG/den  
Date Mailed: November 2, 2001 Docket Due Date: \*\*\*

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |  |  |
|--|--|
| <input type="checkbox"/> Amendment/Response (____ pgs.)  | <input checked="" type="checkbox"/> Express Mail No.: <u>EL672750138US</u> <input checked="" type="checkbox"/> Check No. <u>46289</u>    |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)                                      | <input type="checkbox"/> _____ Month(s) Extension of Time Amt: <u>\$932.00</u>   |
| <input checked="" type="checkbox"/> Application - Utility ( <u>19</u> pgs., with cover and abstract)   | <input checked="" type="checkbox"/> Information Disclosure Statement & PTO 144 ( <u>3</u> pgs.) <input type="checkbox"/> Check No. _____ |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)                           | <input type="checkbox"/> Issue Fee Transmittal Amt: _____  |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)                             | <input type="checkbox"/> Notice of Appeal  |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)                                    | <input type="checkbox"/> Petition for Extension of Time  |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)                        | <input type="checkbox"/> Petition for _____  |
| <input type="checkbox"/> Application - Design (____ pgs.)  | <input checked="" type="checkbox"/> Postcard   |
| <input type="checkbox"/> Application - PCT (____ pgs.)   | <input type="checkbox"/> Power of Attorney (____ pgs.)   |
| <input type="checkbox"/> Application - Provisional (____ pgs.)   | <input type="checkbox"/> Preliminary Amendment (____ pgs.)   |
| <input type="checkbox"/> Assignment and Cover Sheet  | <input type="checkbox"/> Reply Brief (____ pgs.)   |
| <input checked="" type="checkbox"/> Certificate of Mailing w/postcard Express <u>5</u> <u>unsigned</u> | <input type="checkbox"/> Response to Notice of Missing Parts   |
| <input checked="" type="checkbox"/> Declaration & POA ( <u>5</u> pgs.)                                 | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business   |
| <input type="checkbox"/> Disclosure Docs & Orig & Copy of Inventor's Signed Letter (____ pgs.)         | <input checked="" type="checkbox"/> Transmittal Letter, in duplicate   |
| <input checked="" type="checkbox"/> Drawings: <u>10</u> # of sheets includes <u>10</u> figures         | <input type="checkbox"/> Fee Transmittal, in duplicate   |

☒ Other: Request and Certification Under 35 U.S.C.122(b)(2)(B)(i); and Copies of cited references (5)

### EXPRESS MAIL CERTIFICATE OF MAILING

"Express Mail" mailing label number: EL 672 750 138 US

Date of Deposit: November 2, 2001

I hereby certify that I am causing this paper or fee, and the documents indicated on the postcard above, to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to: Box Patent Application, Commissioner for Patents, Washington, D. C. 20231

Dianne Neathery

(Typed or printed name of person mailing paper or fee)

Dianne Neathery

11-2-01

(Signature of person mailing paper or fee, and date of signature)

**FEE TRANSMITTAL FOR FY 2002****TOTAL AMOUNT OF PAYMENT (\$)** \$932.00**Complete if Known:**

Application No. Not yet assigned  
 Filing Date Herewith (Nov. 2, 2001)  
 First Named Inventor Ulrich Martin Graf  
 Group Art Unit Not yet assigned  
 Examiner Name Not yet assigned  
 Attorney Docket No. 005513.P003

**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666  
 Deposit Account Name \_\_\_\_\_

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. X Payment Enclosed: X Check  
 \_\_\_\_\_ Money Order  
 \_\_\_\_\_ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
101	740	201	370	Utility application filing fee	<u>740.00</u>
106	330	206	165	Design application filing fee	_____
107	510	207	255	Plant filing fee	_____
108	740	208	370	Reissue filing fee	_____
114	160	214	80	Provisional application filing fee	_____

**SUBTOTAL (1)** \$ 740.00**2. EXTRA CLAIM FEES**

		Extra Claims	Fee from below	Fee Paid
Total Claims	<u>26</u>	- 20** = <u>6</u>	X <u>18.00</u>	= <u>108.00</u>
Independent Claims	<u>4</u>	- 3** = <u>1</u>	X <u>84.00</u>	= <u>84.00</u>
Multiple Dependent				= _____

**\*\*Or number previously paid, if greater; For Reissues, see below.**

Large Entity		Small Entity		Fee Description
Code	Fee (\$)	Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** \$ 192.00

# FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
<u>Fee Code</u>	<u>Fee (\$)</u>	<u>Fee Code</u>	<u>Fee (\$)</u>		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
099	8,800	099	8,800	Request for inter parties reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	For filing a submission after final rejection (see 37 CFR 1.129(a))	
148	110	248	55	Statutory Disclaimer	
149	740	249	370	For each additional invention to be examined (see 37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
195	300	195	300	Publication fee for early, voluntary, or normal pub.	
196	300	196	300	Publication fee for republication	
194	130	194	130	Request for voluntary publication or republication	
098	130	098	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
091	1,280	091	1,280	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$ .00**

\*Reduced by Basic Filing Fee Paid

### SUBMITTED BY:

Typed or Printed Name: Daniel E. Ovanezian

Signature:  Date: 11/2/01

Reg. Number: 41,236 Telephone Number: (408) 720-8300